

REMARKS

This Paper is being filed in response to the Office Action of April 19, 2004. Applicants request cancellation of Claims 20 and 21 without prejudice and without disclaimer as to the subject matter thereof. The claims pending upon entry of the amendment will be claims 14-19, and 22-26. Claims 14, 18, 24 and 26 are amended herein.

I. Amendments to Claims

Claim 14 has been amended to include the feature of the subject matter of claim 20 and to state that the compositions consists essentially of the enumerated ingredients. The amendments find support in the specification and originally filed claim 20. No new matter is added.

Claim 18 has been amended to add the word “the” merely for clarity. The scope of the claim is unchanged.

Like Claim 14, Claim 24 has been amended to include the feature of the subject matter of claim 20, and to state that the compositions consists essentially of the enumerated ingredients. The claim has also been amended at step to remove the inadvertent words “a the” and to add the word “a” before “thermoplastic binder.” The clarifying amendments do not alter the scope of this limitation. No new matter is added.

Claim 26 has been amended to change the preamble from “A process surface coating of a substrate” to “A process for surface coating a substrate” merely for clarification. The scope of the claim remains unchanged, and no new matter is added.

Claims 14 and 24 have been amended to include the feature that the polyacrylates of the composition have a glass transition temperature of less than about -20°C. Support for this amendment may be found in the Specification at page 25, lines 24-27. Claims 1 and 24 have also been amended to include the feature that the organic fibrous material consist of animal fibers, vegetable fibers and mixtures thereof. Support for this amendment may be found, for example in original claim 21 and in the specification at page 5, lines 11-22. No new matter is added.

II. Rejections under 35 U.S.C. § 102(b) for Alleged Anticipation

Turning to the merits of the case, the Office Action cites several references and alleges that each anticipate the claims as presented. To anticipate a claim, a prior art reference must teach, either expressly or inherently, each and every element of the claim. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). In view of the foregoing amendments, the claims are patentable over each of the references cited in the office action as detailed below.

A. The Office Action rejects Claims 14-17 under 35 U.S.C. § 102(b) as allegedly anticipated by Dorus Klebetechnik (WO 98/50617) which is the equivalent of U.S. Patent No. 6,482,875 to Lorenz *et al.* (hereinafter “LORENZ”).

Applicants herein submit a certified English language translation of the priority document for the instant application. Applicants claim the benefit of priority to this document (May 7, 1999) and request withdrawal of LORENZ as a reference.

B. The Office Action rejects Claims 14-17 and 20-23 under 35 U.S.C. § 102(b) as allegedly anticipated by Ato Chimie (BG 2045829A) (hereinafter “ATO CHIMIE”).

The Office Action alleges that ATO CHIMIE teaches a composite material comprising leather and reinforcing fibers including organic fibrous material and a binder which includes ethylene/vinyl acetate, polyolefins, polyamides, polyesters, polyacrylates, and vinyl polymers.

The composite material of ATO CHIMIE is disclosed to encompass leather fibers and reinforcing fibers. Both types of fibers are understood to be *essential* components of the composition. The reinforcing fibers are defined to be “highly resilient textile fibres obtained by spinning or extrusion drawing methods using various polymers, especially polyester, polyamide, polypropylene, poly(vinyl chloride)” (see ATO CHIMIE page 1, right column, lines 107-110). The skilled artisan will clearly derive from the disclosure that the reinforcing fibers are *synthetic fibers*. The definition of the fiber material in the present claims, as amended, specify that the organic fibers are selected from animal fibers, vegetable fibers and mixtures thereof. Synthetic fibers are excluded. The claims therefore are novel over ATO CHIMIE.

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Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102(b) over ATO CHIMIE.

C. The Office Action rejects Claims 14-17 and 20-22 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 4,350,782 to KÜCHLER *et al.* (hereinafter “KÜCHLER”).

KÜCHLER teaches an aqueous dispersion based on different vinyl polymers with a fibrous material for vibration-dampening sheets. Claims 1 and 24 have been amended to include the feature that the polyacrylates of the composition have a glass transition temperature of less than about -20°C. KÜCHLER teaches the use of a composition containing a polyacrylate (copolymer of a vinyl ester of a monocarboxylic acid and an acrylate as component (b)) with a glass transition temperature of 0°C to 20°C. Thus, the applicants claims are not anticipated by the disclosure of KÜCHLER, which fails to teach the use of polyacrylates, all of which have a glass transition temperature of about -20°C.

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102(b) over KÜCHLER.

D. The Office Action rejects Claims 14-17 and 19-24 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 4,011,130 to WORDEN *et al.* (hereinafter “WORDEN”).

WORDEN discloses composites comprising “essential solids consisting of elastomeric binder, particulate filler having an average particle diameter in the range of 1 to 160 microns, and fibrous reinforcing component” (WORDEN col. 3, lines 25-29). Claims 14 and 24 have been amended to recite that the composition of the invention consists essentially of animal or vegetable fibers, a binder and up to 20% of other ingredients which do not include the “particulate filler” as disclosed by WORDEN. The claims of the present application, as amended, exclude the particulate filler as required by WORDEN. Thus, the claims are not anticipated by WORDEN.

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102(b) over WORDEN.

E. The Office Action rejects Claims 14, 16, and 19-23 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 4,011,130 to 5,958,554 to Addie *et al.* (hereinafter “ADDIE”) as evidenced by U.S. Patent No. 6,254,565 to Williams *et al.* (hereinafter “WILLIAMS”).

ADDIE teaches the use of resins, bonding fibers and leather fibers in the reconstituted leather products. WILLIAMS is cited as teaching that the vector copolymers of ADDIE are styrene-butadiene block copolymers. However, the bonding fibers that are disclosed in ADDIE are *synthetic fibers* coated with an adhesive-type melt (ADDIE, col. 6, lines 42-44). The claims, as amended exclude synthetic fibers. Thus, the claims are not anticipated by ADDIE. WILLIAMS does nothing to overcome this fundamental deficiency.

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102(b) over ADDIE as evidenced by WILLIAMS.

III. Rejections under 35 U.S.C. § 103(a) for Alleged Obviousness

A. The Office Action rejects Claim 18 under 35 U.S.C. § 103(a) as allegedly obvious over KÜCHLER.

The Office Action frankly admits that KÜCHLER does not exemplify the use of a binder composition comprising at least 30% by weight vinyl acetate. However, KÜCHLER also fails to teach the use of polyacrylates in which any polyacrylate used has a glass transition temperature of less than about -20°C. Thus, the specific teachings of KÜCHLER which require the use of a polyacrylate having a glass transition temperature of 0°C to 20°C, would teach the skilled artisan away from the use of polyacrylates which all have a glass transition temperature of less than about -20°C.

Applicants respectfully request withdrawal of the rejection of claims 18 over KÜCHLER.

B. The Office Action rejects Claims 15 and 17 under 35 U.S.C. § 103(a) as allegedly obvious over ADDIE as evidenced by WILLIAMS.

ADDIE (as evidenced by WILLIAMS) does not teach or suggest a composition that excludes synthetic fibers; in fact, ADDIE *requires* synthetic fibers. As it would be contrary to the teachings of ADDIE to exclude synthetic fibers, the hypothetical

combination of ADDIE and WILLIAMS does not render the claims of the present application obvious. Thus, there is no *prima facie* case for obviousness under 35 U.S.C. 103(a) against the pending claims, as amended.

Applicants respectfully request withdrawal of the rejection of claims 15 and 17 in view of ADDIE (as evidenced by WILLIAMS).

C. The Office Action rejects Claims 23 and 24 under 35 U.S.C. § 103(a) as allegedly obvious over KÜCHLER in view of ADDIE.

As described in **IIC** and **IIIA** above, KÜCHLER fails to teach all of the limitations of the instant claims. Thus, the disclosure of ADDIE in which the length of leather fibers is described as 0.05-0.75 in (1.27-19 mm) does not compensate for the shortcomings of the primary reference, (*i.e.*, there is no *prima facie* case for obviousness).

Applicants respectfully request withdrawal of the rejection of claims 23 and 24 under 35 U.S.C. § 103(a) over KÜCHLER in view of ADDIE

D. The Office Action rejects Claims 25 and 26 under 35 U.S.C. § 103(a) as allegedly obvious over ADDIE in view of Japanese Patent No. JP406049417A to Toyota (hereinafter, “TOYOTA”).

According to the abstract, TOYOTA is a method for bonding a backing surface (such as an interlining cloth) to the back surface of leather using a hotmelt resin sheet. ADDIE teaches the use of resins in the reconstituted leather products, however, ADDIE does not teach or suggest compositions that exclude synthetic fibers. Thus, as ADDIE’s composition includes synthetic fibers as “bonding fibers,” (the instant claims exclude synthetic fibers), and the teachings of TOYOTA do not compensate for the shortcomings of the primary reference, there is no *prima facie* case for obviousness.

Applicants respectfully request withdrawal of the rejection of claims 25 and 26 under 35 U.S.C. § 103(a) over ADDIE in view of TOYOTA.

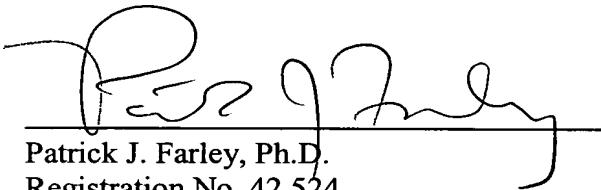
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PATENT

IV. Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is respectfully requested.

Respectfully submitted,



Patrick J. Farley, Ph.D.
Registration No. 42,524

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Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439